



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6764-99

1 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 1 February 1980 at the age of 17. Your record reflects that you served for a year and two months without disciplinary incident but on 6 April 1981 you received nonjudicial punishment (NJP) for three specifications of failure to go to your appointed place of duty and were awarded a \$100 forfeiture of pay and restriction and extra duty for 14 days. On 28 October 1981 you received NJP for possession of an unauthorized identification card. The punishment imposed was forfeitures totalling \$500 and reduction to paygrade E-1. On 9 May 1982 you received your third NJP for a 26 day period of unauthorized absence (UA) and were awarded restriction for 45 days and a \$275 forfeiture of pay.

Your record reflects that on 26 July 1984 you received NJP for missing the movement of your ship and violation of a general article. The punishment imposed was forfeitures totalling \$298, restriction for 19 days, and reduction to paygrade E-1. Less than a month later, on 15 August 1984, you were convicted by special court-martial (SPCM) of two periods of UA totalling 289 days and assault. You were sentenced to confinement for four

months, \$1,000 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and ordered executed. On 25 November 1985 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded because you had a pre-trial agreement in which you were to receive a general discharge. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct. Further, there is no evidence in your record to support your contention of an agreement for a general discharge. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The Board also considered your contention that you would like some administrative changes made to your Certificate of Discharge or release from Active Duty (DD Form 214). In this regard, the Board noted that you should contact the Navy Personnel Command, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 and request that administrative corrections be made to your DD Form 214.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director